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Elections to fill vacancies in principal organs: election of five non-permanent members of the Security Council

Identical letters dated 6 October 2000 from the Permanent Representative of Togo to the United Nations addressed to the President of the General Assembly and to the Secretary-General

In my capacity as representative of the current Chair of the Organization of African Unity (OAU), I have the honour to transmit to you, annexed hereto, the text of the communiqué dated 3 October 2000 from the current Chair of OAU concerning the organization's support for the candidature of the Sudan for a non-permanent seat on the Security Council for the period 2001-2002 (see annex I).

Kindly also find, annexed hereto, the letter dated 3 October 2000 from the Permanent Observer of OAU to the United Nations, setting out the process that led to such a decision (see annex II).

I should be grateful if you would have this letter and its annexes circulated as a document of the General Assembly under agenda item 15 (a).

(*Signed*) Roland Y. **Kpotsra**
Permanent Representative

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Annex I to the identical letters dated 6 October 2000 from the Permanent Representative of Togo to the United Nations addressed to the President of the General Assembly and to the Secretary-General

[Original: English and French]

Communiqué of the current Chair of the Organization of African Unity

The attention of the current Chair of the Organization of African Unity (OAU) was drawn to the controversy presently surrounding the candidacy of the Sudan to a non-permanent seat of the United Nations Security Council for the period 2001-2002.

In this regard the current Chair of the OAU wishes to stress the following:

As was extensively explained by Dr. Salim Ahmed Salim, Secretary-General of OAU, during a meeting with the African Group in New York, African candidatures to United Nations positions or bodies are generally not discussed directly by the Heads of State. Once the recommendations contained in the report of the OAU Ministerial Committee on Candidatures are adopted by the Council of Ministers in a plenary session, they are considered automatically as having received the seal of approval of the Organization, and therefore are not further discussed by the Assembly of Heads of State and Government.

In the present case which has triggered a controversy, the current Chair of OAU wishes to recall that the candidature of the Sudan was indeed endorsed by the Council of Ministers very late in the night of 11 and 12 July 2000 after the Minister of Foreign Affairs of the Republic of Congo submitted the report of the OAU Committee on Candidatures.

Regarding the circumstances surrounding the adoption of the report of the OAU Committee on Candidatures, the current Chair would like to point out that, when the issue of African candidatures came up during the last in-camera meeting of the Summit in Lomé, the current Chairman, when adjourning the meeting, mandated the Council of Ministers to hold a meeting immediately afterward, in order to discuss and adopt the recommendations contained in the Report of the OAU Committee on Candidatures, which the Council of Ministers was not able to do earlier due to lack of time.

The recommendations of the Council of Ministers relating to candidatures are reflected in the document circulated to Member States by the General Secretariat of the OAU, and communicated to the United Nations under reference CM/Doc.546 (LXXII) Rev.1.

As for the consultations that the current Chairman of OAU is said to have promised to conduct, it is important here again to refer to the OAU procedure on the endorsement of candidatures, and to keep in mind the chronological sequence of events. On the basis of these factors, it seems evident that the Chairman having adjourned the Summit meeting and requested the Ministers to meet immediately afterwards in order to fulfil their mandate, could not, at the same time, have promised to carry out consultations on the outcome of the deliberations of the Ministers.

The response given by the current Chairman of OAU to the President of the Republic of Uganda, on 24 August 2000 when he received the Special Envoy of the President of Uganda, was very clear in this regard. On that occasion the current Chairman confirmed that the consensus reached by OAU was to support the candidature of the Sudan for election to the Security Council.

Taking into account the concerns expressed on this matter, the current Chairman considered that he would not mind if consultations took place between Uganda and the Sudan provided that they lead to a solution satisfactory to both sides.

Finally, the current Chair of OAU wishes to recall that, at his meeting with the African Group on 12 September 2000, on the margin of the fifty-fifth regular session of the United Nations General Assembly, the current Chairman stressed in particular the need for the African Group to give precedence to unity and solidarity, to show cohesion and as far as possible, to speak with a single voice when taking a stand on issues considered by the Assembly and the Security Council.

Only then, he said, will Africa be able to avoid and foil the divisive manoeuvres from outside, and effectively defend her own interests.

Done at Lomé on 3 October 2000

Annex II to the identical letters dated 6 October 2000 from the Permanent Representative of Togo to the United Nations addressed to the President of the General Assembly and to the Secretary-General

[Original: English and French]

I have received a copy of the letter referenced UN/PR/PRES/00/09 dated 25 September 2000, that the Permanent Representative of Uganda addressed to you in your capacity as Chairman of the Candidatures Committee of the African Group.

Considering the serious allegations contained in the said letter, I feel bound to make the following clarifications:

1. On a matter of procedure

The Secretariat is surprised to note that a communication that was intended for the Chairman of the Candidatures Committee and, presumably, for the attention of the members of that Committee was copied to all Permanent Representatives, Permanent and Observer Missions to the United Nations in New York, including non-African States. For the purpose of providing clarity and correcting the misrepresentations, as well as the distortion of facts contained in the Ugandan letter, the Secretariat is compelled to ensure that its reaction to that letter is also widely circulated to the Missions to which the original letter under reference was addressed.

2. On substantive matters

With respect to paragraphs 7, 8 and 9 of the letter, the Secretariat wishes to state as follows:

(i) In paragraph 7, the letter states: "After the Summit had closed, the Foreign Minister of Togo called a meeting of Foreign Ministers which was actually a rump. He attempted to endorse Sudan. This meeting was irregular because the Summit had closed."

(ii) The above statement is factually incorrect. The fact of the matter is that the Summit actually closed on 12 July 2000, and not on 11 July, as the Ambassador would want those he addressed his correspondence to believe. What actually happened was that when the Chairman adjourned the deliberations of the Summit on 11 July 2000, he directed the Chairman of the Council of Ministers, and Minister of Foreign Affairs of Togo, to convene a meeting of the Council to consider the recommendations of the Ministerial Committee on Candidatures. It should be recalled that because of logistical problems, it was not possible for the full session of the Council to meet to adopt the recommendations of the Committee on Candidatures before the Summit was opened.

(iii) In view of the mandate given to the Current Chairman of the Council of Ministers to convene a meeting of the Council after that night's session of the Assembly, an announcement was made requesting all Ministers to remain behind in the Hall for a resumed meeting of the Council. That meeting took place subsequently with many Foreign Ministers participating. At no time did the Chairman of the Council of Ministers attempt to endorse the candidature of Sudan. After the introduction of the report of the Candidatures Committee by its Chairman, the Foreign Minister of the Republic of Congo, there was a lengthy discussion by the Ministers, during which the delegations of Sudan and Mauritius stated their respective positions. At the end of the deliberations, the Council of Ministers adopted the recommendation of the African Group in New York which, in turn, was endorsed by the OAU Ministerial Candidatures Committee, to the effect that Sudan should be OAU's candidate for the Security Council seat for the African region. Several other candidatures on other bodies were endorsed in the same decision.

(iv) There was no special or individual invitation to Foreign Ministers to attend the meeting and it is usual that during sessions of the Policy Organs of the OAU, announcements are made for the convening of meetings which are not among the scheduled meetings of such sessions. It is up to individual Member States to ensure their representation and participation at such meetings. The failure to participate at such meetings by one Member State should not under normal circumstances prevent the Policy Organ from

taking a decision on behalf of the Organization. It was, therefore, not possible to issue a special invitation to the two Ministers from Uganda, as it was very clear that the delegation of Uganda was in the Hall when the announcement was made to resume the meeting of the Council of Ministers after the session of the Assembly was adjourned.

(v) The Secretariat takes very strong exception to the content of paragraph 9 of the Ugandan Permanent Representative's letter which states: "REGRETTABLE: it is unfortunately regrettable that the OAU Secretariat which should be the custodian of veracity and impartiality as far as procedure are concerned, has chosen to give misleading information".

(vi) The Secretariat unreservedly rejects both statements on the ground that they seek to make unacceptable imputations on the integrity and neutrality of the Secretariat in dealing with issues that are of interest to Member States. The role of the Secretariat is to faithfully reflect decisions of the Policy Organs of the Organization and to implement them as decided. The Secretariat has not either in this case or in any other situation involving Member States of the Organization, deliberately and consciously attempted to mislead or has misled Member States. By the same token, the role of the Secretariat is not to change decisions that are taken by Member States to favour one or another Member State. In this particular case, the Council of Ministers met and took a conscious decision to endorse the recommendation of the Committee on Candidatures including the candidature of Sudan and this is what the Secretariat reflected in its document on the decisions of the Lomé Sessions of the Council of Ministers and the Assembly of Heads of State and Government. This specific decision is reflected in OAU document CM/Dec.517-546 (LXXII) Rev.1, as Council decision CM/Dec.546 (LXXII). It is this same, narrative account that the OAU Secretary General provided at his meeting with the African Group in New York on 15 September 2000.

(vii) The Secretariat wishes to state categorically that it has no other interest in the matter of the filling of the non-permanent seat of the United Nations Security Council, than to serve the best interests of the African continent. It has no favoured Member States and between the Sudan and Mauritius, the Secretariat has not and will never show any preference for one over the other, because the Secretariat exists to serve and service its Member States and to act with transparency and credibility at all times. However, the Secretariat is duty bound to respect and implement decisions adopted by the Policy Organs of the Organization in accordance with its rules of procedure and established practices.

(*Signed*) Amadou **Kebe**
Ambassador
Permanent observer